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GOVERNMENT OF TRAVANCORE-COCHIN

LAW DEPARTMENT.

LD(b) 4-49/56/Law.

Dated, Trivandrum, the 10th September, 1956.

NOTIFICATION

The following President's Act enacted on the 6th September, 1956 is published for general information.

By order of His Highness
the Rajpramukh,
P. NARAYANASWAMI,
Deputy Secretary.

THE TRAVANCORE-COCHIN STATE AID TO INDUSTRIES (AMENDMENT) ACT, 1956

No. I OF 1956.

ENACTED BY THE PRESIDENT IN THE SEVENTH YEAR OF THE REPUBLIC OF INDIA.

An Act further to amend the Travancore-Cochin State Aid to Industries Act, 1952.

In exercise of the powers conferred by Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, the President is pleased to enact as follows:— 29 of 1956.

1. *Short title and commencement.* (1) This Act may be called the Travancore-Cochin State Aid to Industries (Amendment) Act, 1956.

(2) It shall be deemed to have come into force on the 10th day of April, 1956.

2. *Amendment of Section 11.* In Section 11 of the Travancore-Cochin State Aid to Industries Act, 1952,— XIX of 1952

(i) for the first proviso to clause (a) of sub-section (1), the following provisos shall be substituted, namely:—

"Provided that no such loan shall exceed the prescribed percentage of the value of the assets of the industry to which it is granted and of other property, if any, offered as collateral security without deducting the encumbrances, if any, existing thereon at the time when the application for the loan is made, the value being ascertained by the Director in the prescribed manner:

Provided further that the authority granting the loan shall, from out of the loan, discharge all encumbrances on the assets of the industry and other property, if any, offered as collateral security existing at the time when the application for the loan is made, and shall secure a first charge on the assets and other property aforesaid:";

(ii) sub-section (3) shall be omitted.

3. *Validation of things done and action taken.* Notwithstanding the expiration of the Travancore-Cochin State Aid
I of 1956 to Industries (Amendment) Ordinance, 1956 anything done or any action taken in the exercise of any power conferred by the said Ordinance, shall, for all purposes, be deemed to have been done or taken in the exercise of powers conferred by this Act as if this Act were in force at the time such thing was done or action was taken.

RAJENDRA PRASAD,

President.

Reasons for the enactment.

Sub-section (1) of Section 11 of the Travancore-Cochin State Aid to Industries Act, 1952, limits the amount of loan that can be granted to an industry to the prescribed percentage of the net value of the assets of the industry and of other property offered as collateral security, after deducting all encumbrances thereon. Sub-section (3) of the same section enables the Government to discharge the encumbrances.

In cases where the assets of the industry and the property offered as security are encumbered, it is found that the amount of loan that can be granted will be substantially reduced, inasmuch as it is to be the prescribed percentage of the net value, less encumbrances. If, however, in such cases, the amount of loan is calculated on the value of the assets and the collateral security, and provision is made for the discharge of the encumbrances from out of such amount, the balance amount at the disposal of the industry will be much higher than what the industry will get under the existing provisions. This will not also affect the interests of Government, for, if from the amount of the loan prior encumbrances are cleared, the position will be the same as granting a loan to the extent of the prescribed percentage on an unencumbered property. With a view to enable small-scale industries to obtain substantial aid, it is considered necessary to amend the Act as indicated above. The present enactment gives effect to this object.

The Committee constituted under the proviso to sub-section (2) of Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, has approved the enactment of this measure.

A. V. PAI,

Secretary to the Government of India,
Ministry of Home Affairs.

GOVERNMENT OF TRAVANCORE-COCHIN

LAW DEPARTMENT

LD (b) 4-3254/56/Law.

Dated, Trivandrum, the 10th September, 1956

NOTIFICATION

The following President's Act enacted on the 6th September, 1956 is published for general information.

By order of His Highness
the Rajpramukh,

P. NARAYANASWAMI,
Deputy Secretary.

THE TRAVANCORE-COCHIN AGRICULTURAL PESTS AND DISEASES (AMENDMENT) ACT, 1956

No. II OF 1956.

ENACTED BY THE PRESIDENT IN THE SEVENTH YEAR OF THE REPUBLIC OF INDIA.

An Act to amend the Travancore-Cochin Agricultural Pests and Diseases Act, 1955.

In exercise of the powers conferred by Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, the President is pleased to enact as follows:— 29 of 1956

1. *Short title.* This Act may be called the Travancore-Cochin Agricultural Pests and Diseases (Amendment) Act, 1956.

2. *Amendment of Section 2.* In Section 2 of the Travancore-Cochin Agricultural Pests and Diseases Act, 1955 (hereinafter referred to as the principal Act,) in clauses (*a*), (*b*) and (*f*), for the expression "Section 3", the expression "Section 3 or Section 8 A" shall be substituted. X of 1955

3. *Insertion of new Section 8A.* After Section 8 of the principal Act, the following section shall be inserted, namely :—

"8A. *Preventive or remedial measures in emergent cases.*

(1) Notwithstanding anything contained in Sections 3 to 8, if the Government are satisfied that any pest or disease injurious to crops, plants or trees is prevalent in any local area and that immediate preventive or remedial measures have to be taken, they may, by notification in the Gazette,—

(*a*) declare that such pest or disease is an insect pest or plant disease;

(b) prescribe such preventive or remedial measures as may be necessary in respect of such pest or disease ;

(c) prohibit or restrict the removal of any plant from one place to another ;

(d) define the local area within which, and the period during which, such notification shall be in force ; and

(e) declare that it shall be competent to the Government to cause the prescribed preventive or remedial measures to be carried out in the notified area.

(2) Upon the issue of a notification under sub-section (1), it shall be competent to the inspecting officer appointed under Section 20 to enter on any land or water within the notified area and carry out the prescribed preventive or remedial measures or cause such measures to be carried out under his supervision.

(3) Where any preventive or remedial measures are carried out under sub-section (2), the occupier shall be liable to pay to Government towards the cost of the measures an amount not exceeding the percentage of such cost prescribed by Government by notification in the Gazette. The inspecting officer shall by order in writing determine the amount payable by the occupier and demand payment of the amount within such time as may be specified therein. If the occupier defaults payment as aforesaid, the amount shall be recoverable from him as if it were an arrear of land revenue.

(4) In calculating the cost of the preventive or remedial measures for the purposes of sub-section (3), the following shall be taken into account, namely:—

(a) charges for labour, material or use of implements; and

(b) proportionate charges for any special establishment entertained for the purpose.

(5) Any occupier considering himself aggrieved by an order passed by the inspecting officer under sub-section (3), may apply to such officer as may be authorised by the Government in this behalf to revise the order of the inspecting officer:

Provided that no such application shall lie unless—

(i) it is made within thirty days from the date of receipt by the occupier of such order; and

(ii) the amount demanded has been paid in accordance with such order.

(6) The officer to whom an application is made under sub-section (5), may, after making such enquiry as he thinks fit, either affirm or vary the order of the inspecting officer and his decision shall be final.

(7) Where the amount paid by the occupier is in excess of the amount payable under the order as revised, such excess shall be refunded to him".

4. *Amendment of Section 10.* In sub-section (1) of Section 10 of the principal Act, for the expression "Section 8", the expression "Section 8 or Section 8A" shall be substituted.

RAJENDRA PRASAD,
President.

Reasons for the enactment.

The root and leaf diseases of the coconut palm, which are prevalent in the State of Travancore-Cochin, are causing havoc to coconut cultivation in the State, and are likely to kill the palms eventually. The diseases which have been in existence for 50 years have now spread to 22 out of the 36 Taluks in the State and the value of the loss in yield due to these diseases is estimated at about 2 crores of rupees a year. The diseases, if left unchecked, are likely to spread to other areas and eventually to wipe out coconut cultivation in the State.

Research has shown that the leaf disease is caused by a fungus and can be controlled by systematic spraying of the crown of the tree, 2 to 3 times a year, with Bordeaux mixture. Though the causal organism of the root disease has not been identified, experience has shown that systematic spraying arrests the progress of the disease.

There is a scheme in the State budget for the current year for the spraying of 4 lakhs of trees. At the rate of two sprayings per tree, this scheme will cover only 2 lakhs of trees whereas the total number of infected trees has been estimated at 70 lakhs.

It was represented on behalf of the cultivators that the present scheme of the Government had only a demonstration value and that if the entire infected area was not covered by systamatic spraying, coconut cultivation in the State would be wiped out within the next 10 years. It is considered that, unless the disease is fought on a warfooting, there would be no hope for any substantial results. In the interests of the general public, it is therefore essential that Government themselves should undertake the spraying of all the 70 lakhs of infected trees atleast twice a year and that the persons benefited by the measures should be made liable to meet only a portion of the cost thereof.

The present enactment gives effect to these proposals.

The Committee constituted under the proviso to sub-section (2) of Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, has approved the enactment of this measure.

A. V. PAI,
Secretary to the Government of India,
Ministry of Home Affairs.

GOVERNMENT OF TRAVANCORE-COCHIN.

LAW DEPARTMENT

LD (b) 3-2323/56/Law.

Dated, Trivandrum, the 10th September, 1956.

NOTIFICATION

The following President's Act enacted on the 6th September, 1956 is published for general information.

By order of His Highness the Rajpramukh,

P. NARAYANASWAMI,

Deputy Secretary.

THE TRAVANCORE-COCHIN INDEBTED AGRICULTURISTS RELIEF ACT, 1956.

No. III OF 1956.

ENACTED BY THE PRESIDENT IN THE SEVENTH YEAR OF THE REPUBLIC OF INDIA.

An Act to give relief to indebted agriculturists in the State of Travancore-Cochin.

In exercise of the powers conferred by Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, the President is pleased to enact as follows:— 29 of 1956

1. *Short title, extent and commencement.*—(1) This Act may be called the Travancore-Cochin Indebted Agriculturists Relief Act, 1956.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.*—In this Act, unless the context otherwise requires,—

(*a*) "agriculturist" means a person who has an interest other than interest as a simple mortgagee in any agricultural or horticultural land, but does not include—

(*i*) any person liable to pay land revenue exceeding one hundred rupees per annum in any year after 1952-53;

(*ii*) any person assessed to profession tax on income derived from a profession other than agriculture under any law governing municipal or local bodies in India on a half-yearly income of more than nine hundred rupees in any half-year after 1952-53;

(*iii*) any person assessed in any half-year after 1952-53 to property or house tax on an annual rental value of not less than six hundred rupees in respect of buildings (other than a building in which he lives) or lands other than agricultural lands under any law governing municipal or local bodies in India;

(*iv*) any person assessed to sales-tax on a total turnover of not less than twenty thousand rupees in any year after 1952-53 under the Travancore-Cochin General Sales-tax Act, 1125 or under the law of any other State relating to sales-tax;

XI of 1125.

(*v*) any person assessed to income-tax under the Indian Income-Tax Act, 1922, in any year after 1950-51;

11 of 1922.

(*vi*) any person assessed to agricultural income-tax in any year after 1950-51 under the Travancore-Cochin Agricultural Income-tax Act, 1950, or under the law of any other State relating to agricultural income-tax;

XXII of 1950.

(*vii*) a firm registered under the Indian Partnership Act, 1932, or a company as defined in the Companies Act, 1956, or a corporation formed in pursuance of an Act of Parliament of the United Kingdom or of any special Indian law;

9 of 1932. 1 of 1956.

Explanation I.—Where a joint Hindu family or *tarwad*, *tavazhi*, or *illom* is an agriculturist, every coparcener or member of the *tarwad*, *tavazhi*, or *illom*, as the case may be, shall be deemed to be an agriculturist, provided that he does not fall under any of the categories specified in sub-clauses (*i*) to (*vi*).

Explanation II.—The provisions of this Act shall not apply to any person who is not an agriculturist on the commencement of this Act;

(*b*) "debt" means any liability in cash or kind, whether secured or unsecured, due from an agriculturist on the commencement of this Act, whether payable under a contract or under a decree or order of a Court, civil or revenue, or otherwise, but does not include —

(*i*) any sum payable to the State or the Central Government or to any local authority;

(*ii*) any sum payable to any co-operative society including a land mortgage bank, registered or deemed to be registered under the Travancore-Cochin Co-operative Societies Act, 1951, or to the Travancore Credit Bank constituted under the Travancore Credit Bank Act, 1113, provided that the right of the society or the Bank to recover the sum did not arise by reason of an assignment made subsequent to the commencement of this Act;

X of 1952. IV of 1113.

(*iii*) any liability arising out of a breach of trust;

(*iv*) any liability in respect of maintenance;

(*v*) any liability in respect of wages or remuneration due as salary or otherwise for services rendered; or

(*vi*) any liability incurred or arising under any chitty or kuri registered or licensed under the Travancore Chitties Act, 1120 or the Cochin kuries Act, 1107.

XXVI of 1120. VII of 1107.

Explanation I.—Where a debt has been renewed or included in a fresh document executed after the commencement of this Act,

whether by the same debtor or by his heirs, legal representatives or assigns or by any other person acting on his behalf or in his interest or as a result of a partition, in favour of the same creditor or his heirs, legal representatives or assigns or any other person acting on his behalf or in his interest or as a result of a partition, the amount outstanding on the commencement of this Act and included in the document executed after such commencement shall alone be treated as the debt for the purposes of this Act.

Explanation II.—Where a debt has been split up after the commencement of this Act among the heirs, legal representatives or assigns of a debtor or a creditor or as a result of a partition and fresh documents have been executed in respect of different portions of the debt, each of the different portions shall be a debt for the purposes of this Act.

3. *Bar of suits and applications.*—(1) No suit for recovery of a debt shall be instituted, and no application for execution of a decree in respect of a debt shall be made, against any agriculturist in any civil or revenue court before the expiry of six months from the commencement of this Act.

Explanation I.—Where a debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, no suit or application of the nature mentioned in this sub-section shall be instituted or made either against the non-agriculturist or against the agriculturist before the expiry of the period mentioned in this sub-section.

Explanation II.—For the purposes of this Act, a suit in which a decree in respect of a debt is prayed for shall be deemed to be a suit for the recovery of a debt notwithstanding that other reliefs are prayed for in such suit and a decree shall be deemed to be a decree in respect of a debt notwithstanding that other reliefs are granted in such decree:

Provided that a suit for possession of land shall not be deemed to be a suit for recovery of a debt by reason merely of mesne profits being also prayed for in such suit:

Provided further that nothing contained in this section shall apply to any portion of a decree other than that relating to a debt.

(2) Notwithstanding anything contained in sub-section (1), where a creditor files a suit for recovery of a debt during the period specified in sub-section (1) or after the agriculturist has paid or deposited into Court the sums and instalments specified in sub-section (1) of Section 4 and Section 5 and during the period when he is so entitled to pay, the Court shall in decreeing the suit direct the plaintiff to bear his own costs and pay the costs of the defendant who is an agriculturist:

Provided that nothing contained in this sub-section shall be a bar to the Court passing any order as to costs as between the plaintiff and other defendants who are not agriculturists.

4. *Payment of debt in instalments.*—(1) Notwithstanding any law or custom for the time being in force, or any contract, or any decree or order of Court to the contrary, any debt due by an agriculturist may be discharged by repayment of the principal amount of the debt outstanding in ten equal half-yearly instalments together with such interest as would be payable under the provisions of Section 5. The instalments shall be payable on or before the last day of February and August of each of the five years commencing on the commencement of this Act.

Explanation.—In the case of a decree, the amount decreed shall be deemed to be the principal.

(2) Where in respect of a decree for debt passed before the commencement of this Act, a debtor fails to make any one of the payments specified in sub-section (1) and Section 5, the decree-holder shall be entitled to execute the decree in respect of the instalment which is in arrear.

(3) In any suit filed after the commencement of this Act, the Court in decreeing the suit shall provide for the immediate payment of such instalment or instalments as would have become due under the provisions of sub-section (1) and Section 5 and the balance in further instalments as specified therein.

(4) Where in any suit for recovery of a debt pending at the commencement of this Act, the debtor claims to be an agriculturist, the Court shall, if the debtor is an agriculturist, pass a decree for immediate payment of such instalment or instalments as would have become payable under the provisions of sub-section (1) and Section 5 and the balance in further instalments as specified therein.

(5) Nothing contained in this Act shall bar the Court from passing a decree or making an order in an application for execution of the decree under such terms and conditions, as may be more favourable to the debtor than those provided for in this section and Section 5 either of its own motion upon a consideration of all the circumstances of the case or upon an agreement between the parties.

(6) Where in any suit to recover a debt or in any application for the execution of a decree therefor the debt is payable by an agriculturist jointly or jointly and severally with a non-agriculturist, the Court shall pass a decree or make an order for the payment of the debt found due from the agriculturist as provided in this section and Section 5 as against the agriculturist and make such provision in the decree or order against the non-agriculturist as the circumstances of the case may warrant.

(7) The provisions of sub-section (1) and Section 5 shall, for purposes of execution, be deemed to be a subsequent order of Court within the meaning of clause (b) of sub-section (1) of Section 48 of the Code of Civil Procedure, 1908. 5 of 1908.

5. *Provision for interest.*—(1) The interest outstanding at the commencement of this Act on any debt shall be paid in ten equal half-yearly instalments, each such instalment being

payable along with the corresponding instalment of the principal amount specified in sub-section (1) of Section 4:

Provided that the amount of the interest payable by an agriculturist under sub-section (1) shall not exceed one-half of the principal amount outstanding at the commencement of this Act.

(2) Notwithstanding anything contained in sub-section (1), no creditor shall be required to refund any sum paid to him which is in excess of the amount calculated as due under sub-section (1), nor shall such excess amount be liable to be adjusted towards any future interest or the principal amount of the debt.

(3) The interest payable after the commencement of this Act shall be at the rate applicable to the debt under any law or custom for the time being in force or under any contract or under a decree or order of any Court, or at six per cent. per annum simple interest, whichever is less, and the amount of interest accrued due on the principal amount outstanding till the date of payment of each of the instalments under sub-section (1) of Section 4 shall be payable along with such instalment.

6. *Deposit of debt into Court.*—(1) An agriculturist may deposit any of the instalments as provided in Sections 4 and 5 into the Court having jurisdiction to entertain a suit for recovery of the debt or into the Court which passed the decree, as the case may be, and apply to the Court to record part-satisfaction of the debt.

(2) Where any such application is made, the Court shall pass an order recording part-satisfaction of the debt if the amount deposited is the correct amount.

(3) The Court shall dismiss the application—

(a) if the applicant is not an agriculturist; or

(b) if the liability is not a debt; or

(c) if the amount deposited is insufficient and the applicant on being required by the Court to deposit the deficit amount within a time fixed by the Court, fails to do so.

(4) Any agriculturist entitled to make such deposit may, before the date on which any instalment is due, apply to the Court having jurisdiction under sub-section (1) for an extension of time for making the deposit of the whole or any portion of such instalment and the Court may, after notice to the creditor, extend the time for payment of such instalment or part thereof for such period as it thinks fit.

(5) The procedure laid down in the Code of Civil Procedure, 1908, for the trial of suits shall, as far as may be, apply to applications made under this section. 5 of 1908

7. *Appeals.*—An appeal shall lie from an order passed by a Court under Section 6, as if such order relates to the execution, discharge or satisfaction of a decree within the meaning of Section 47 of the Code of Civil Procedure, 1908. 5 of 1908

8. *Presumption as to transfer of immovable property of the debtor.*—(1) Every transfer of immovable property made by a debtor entitled to the benefits of this Act after the commencement of this Act and before the complete discharge of his debt, shall, in any suit or other proceeding with respect to such transfer, be presumed, until the contrary is proved, to have been made with intent to defeat or delay the creditors of the transferor.

(2) Where a debtor entitled to the benefits of this Act has allowed, in collusion with another, his immovable property to be sold after the commencement of this Act through Court with a view to defeat or delay his creditors, the sale shall be voidable at the option of any creditor so defeated or delayed.

9. *Exclusion of time for limitation.*—In computing the period of limitation for a suit for recovery of a debt or an application for the execution of a decree in respect of a debt, the time during which the institution of the suit or the making of the application was barred under Section 3 shall be excluded.

10. *Effect of payment or deposit under Section 4 or Section 6.*—Where a debt is payable by an agriculturist either by himself or jointly or jointly and severally with a non-agriculturist and where the agriculturist makes payment or deposits amount towards that debt as provided for in Sections 4 and 5 or Section 6, a fresh period of limitation shall be computed from the time when the payment or deposit was made both against the agriculturist and non-agriculturist.

11. *Power to make rules.*—The Government may make rules for carrying out the purposes of this Act.

RAJENDRA PRASAD,
President.

Reasons for the enactment.

Numerous representations have been received by the Travancore-Cochin Government, stressing the necessity for granting some relief to agricultural debtors, who are hard hit by the general fall in prices of agricultural commodities. It has been represented that agricultural debtors are not in a position to clear their debts and that they are often put to the trouble and expense of defending repeated court actions. A Bill to grant relief to indebted persons by scaling down their debts and by enabling them to repay the debt in easy instalments was also introduced in the Legislative Assembly by a non-official member. That Bill was pending consideration by the Select Committee when the Legislative Assembly was dissolved by the Proclamation of the President. During the discussion of the non-official Bill by the Select Committee, an assurance was given on behalf of the Travancore-Cochin Government that they would examine the question of bringing legislation to give relief to indebted agriculturists more or less on the lines of the Madras

Indebted Agriculturists (Repayment of Debts) Act, 1955 (Madras Act I of 1955). The present measure has been enacted in pursuance of the assurance.

The Act will apply to all debts due from agriculturists on its commencement. The principal amount of any debt outstanding will be payable in ten equal half-yearly instalments. The interest due on the debt at the commencement of the Act will be payable in ten equal half-yearly instalments along with the corresponding instalment of the principal. In the case of future interest, the rate is limited to six per cent. simple interest or contract rate, whichever is less, and the interest due on the outstanding principal till the date of payment of each instalment will be payable along with such instalment.

The Committee constituted under the proviso to sub-section (2) of Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, has approved the enactment of this measure.

A. V. PAI,

Secretary to the Government of India,
Ministry of Home Affairs.

GOVERNMENT OF TRAVANCORE-COCHIN

LAW DEPARTMENT.

LD(b)4-3695/55/Law.

Dated, Trivandrum, the 10th September 1956.

NOTIFICATION

The following President's Act enacted on the 6th September, 1956 is published for general information.

By order of His Highness
the Rajpramukh,

P. NARAYANASWAMI,
Deputy Secretary.

THE TRAVANCORE-COCHIN LAND CONSERVANCY (AMENDMENT) ACT, 1956

No. IV of 1956

ENACTED BY THE PRESIDENT IN THE SEVENTH YEAR OF THE REPUBLIC OF INDIA.

An Act to amend the Travancore-Cochin Land Conservancy Act, 1951.

In exercise of the powers conferred by Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, the President is pleased to enact as follows:— 29 of 1956

1. *Short title.* This Act may be called the Travancore-Cochin Land Conservancy (Amendment) Act, 1956.

2. *Insertion of new Section 5 A.* After Section 5 of the Travancore-Cochin Land Conservancy Act, 1951, (hereinafter referred to as the principal Act), the following section shall be inserted, namely:— XIX of 1951

"5 A. *Earth, metal, laterite, lime-shell, etc., not to be removed from land which is property of Government without permit.* (1) It shall not be lawful for any person to destroy, remove or appropriate for himself earth, metal, laterite, lime-shell or such other articles of value as may be notified by the Government from any land which is the property of Government, whether a poramboke or not, except under and in accordance with the terms and conditions of a permit issued by the Government or such officer of Government as may be empowered in that behalf and on payment of compensation at the rate prescribed under sub-section (2).

(2) The Government may, from time to time, by notification in the Gazette, prescribe the rate at which compensation shall be payable for earth, metal, laterite, lime-shell or other notified articles of value destroyed, removed or appropriated from land which is the property of Government.

(3) Whoever unauthorisedly destroys, removes or appropriates for himself earth, metal, laterite, lime-shell or other notified articles of value from any land which is the property of

Government, whether a poramboke or not, shall be liable to pay such fine not exceeding fifty rupees as may be imposed by the Collector and shall also be liable to pay by way of damages an amount equivalent to the compensation which would have been payable if sub-section (2) were applicable thereto.

(4) The Government may remit in whole or in part the compensation or damages payable under this section,—

(*a*) in favour of any agriculturist, if the earth, metal, laterite, lime-shell or other notified article of value destroyed, removed or appropriated is for *bona fide* agricultural purposes, or

(*b*) in favour of a co-operative society.".

3. *Amendment of Section* 13. In Section 13 of the principal Act, between the word "appropriated" and the words "and all costs of eviction", the following shall be inserted, namely: —

"compensation or damages payable under Section 5 A".

RAJENDRA PRASAD,
President.

Reasons for the enactment.

Section 8 of the Travancore-Cochin Land Conservancy Act, 1951, as it now stands, provides for the recovery of loss caused to Government only in respect of any useful tree destroyed or appropriated. In respect of loss caused on account of unauthorised destruction, removal or appropriation of earth, metal, laterite, lime-shell or other articles of value, there is no provision for recovery in the Act, and instances have been brought to the notice of Government where such losses could not be recouped on account of the absence of adequate provisions in the Act for the assessment and recovery of damages in such cases. Government consider it necessary to make adequate provisions for the purpose to protect their interests. The present enactment gives effect to this object.

The Committee constituted under the proviso to sub-section (2) of Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, has approved the enactment of this measure.

A. V. PAI,
Secretary to the Government of India,
Ministry of Home Affairs.

GOVERNMENT OF TRAVANCORE-COCHIN.

LAW DEPARTMENT.

LD (b) 4-2920/56/Law

Dated, Trivandrum, the 10th September, 1956.

NOTIFICATION

The following President's Act enacted on the 6th September, 1956 is published for general information.

By order of His Highness
the Rajpramukh,
P. NARAYANASWAMI,
Deputy Secretary.

THE TRAVANCORE-COCHIN POLICE (AMENDMENT) ACT, 1956

No. V OF 1956.

ENACTED BY THE PRESIDENT IN THE SEVENTH YEAR OF THE REPUBLIC OF INDIA.

An Act to amend the Travancore-Cochin Police Act, 1951.

In exercise of the powers conferred by Section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 29 of 1956 1956, the President is pleased to enact as follows :—

1. *Short title.* This Act may be called the Travancore-Cochin Police (Amendment) Act, 1956.

2. *Amendment of Section 2.* In Section 2 of the Travancore-Cochin Police Act, 1951 (hereinafter referred to as the principal II of 1952 Act), in clause (14), for the words "and Assistant Superintendents of Police", the words "Assistant Superintendents of Police and Deputy Superintendents of Police" shall be substituted.

3. *Amendment of Section 3.* In Section 3 of the principal Act, for the words "and the members of such force shall receive such pay, as shall from time to time be ordered by the Government", the following shall be substituted, namely :—

"as shall from time to time be orderd by the Government and, subject to the provisions of this Act, the pay and all other conditions of service of officers of the subordinate police shall be such as may, from time to time, be determined by the Government.".

4. *Amendment of Section 4.* In Section 4 of the principal Act,—

(*i*) in sub-section (2), for the words "or Assistant District Superintendent as the Government may think fit to appoint", the words "and such Assistant District Superintendents as the Government shall consider necessary" shall be substituted ; and

(*ii*) sub-section (3) shall be omitted.

5. *Substitution of new section for section 6.* For section 6 of the principal Act, the following section shall be substituted, namely: —

"6. *Dismissal, suspension or reduction of officers of the subordinate police.* Subject to the provisions of article 311 of the Constitution and to such rules as the Government may from time to time make under this Act; the Inspector-General, Deputy Inspector-General, Assistant Inspector-General and District Superintendents of Police may, at any time, dismiss, remove, suspend or reduce to a lower post or time scale or to a lower stage in time scale, any officer of the subordinate police whom they shall think remiss or negligent in the discharge of his duty or otherwise unfit for the same, and may order the recovery from the pay of any such police officer of the whole or part of any pecuniary loss caused to the Government by his negligence or breach of orders.".

6. *Amendment of Section 7.* In Section 7 of the principal Act, for the words "Every police officer", the words "Every person appointed as an officer of the subordinate police" shall be substituted.

RAJENDRA PRASAD,
President.

Reasons for the enactment.

The Travancore-Cochin Police (Amendment) Act, 1956, amends the Travancore-Cochin Police Act, 1951, for the reasons explained below.

2. *Section 2.*—According to the Travancore-Cochin Police Act, 1951, there are no superior police officers designated as Deputy Superintendents of Police. In other States, officers in charge of sub-divisions, who do not belong to the I. P. S. cadre are designated as Deputy Superintendents of Police. Government consider that the designation of Assistant Superintendents of Police who do not belong to the I. P. S. cadre should be changed to Deputy Superintendents of Police as in other States. Section 2 accordingly includes Deputy Superintendents of Police also in the definition of the expression "Superior police".

3. *Sections 3 and 5.*—Section 3 of the principal Act provides that the members of the police establishment of the State of Travancore-Cochin shall receive such pay as shall be ordered by the Government; and section 6 of the principal Act empowers the Inspector-General of Police to appoint police officers and the Inspector-General or any police officer empowered by him in this behalf to award punishments to officers of the subordinate rank. But under article 311 of the Constitution, an officer should not be

dismissed or removed by an authority subordinate to that by which he has been appointed and so section 6 has to be amended so as to make it consistent with the provisions of article 311.

It is also felt that the Inspector-General, Deputy Inspector-General, Assistant Inspector-General and District Superintendents of Police should have power to punish subordinate police officers and that the power to appoint constables and head constables should vest in District Superintendents of Police. It is also considered that the power to regulate the pay and other conditions of service of subordinate police officers should vest in the Government. Sections 3 and 5 therefore modify the principal Act so as to give effect to these proposals and thus bring the provisions of the principal Act in line with the corresponding provisions of the Madras District Police Act, 1859.

4. *Section 4—Clause* (*i*).—According to section 4 (2) of the principal Act, a district can be under the jurisdiction of either a District Superintendent or an Assistant District Superintendent. It is considered that there should always be a District Superintendent in whom such jurisdiction should vest and there may, if necessary, be Assistant District Superintendents in addition. Under section 4 of the Police Act, 1861 (5 of 1861), the administration of the police throughout the local jurisdiction of a magistrate of the district vests, under the general control and direction of such magistrate, in a District Superintendent and such Assistant District Superintendents as the State Government shall consider necessary. Clause (i) suitably modifies section 4 (2) of the principal Act so as to make it conform to section 4 of the Central Act in this respect.

Clause (*ii*)—Section 4 (3) of the principal Act provides for the appointment of Inspector-General and other Superior Police officers and also confers on the Government power to dismiss, suspend or otherwise punish those officers. The Inspector-General and certain other superior police officers belong to the I. P. S. cadre and their appointment, conditions of service, etc., are regulated by the rules applicable to I. P. S. officers. As regards non-I. P. S. officers, their appointment, conditions of service, etc., can be regulated by rules issued by the Government under article 309. It is therefore considered unnecessary to retain section 4 (3).

5. *Section 6.*—Section 7 of the principal Act provides that every police officer appointed shall receive on his enrolment a certificate under the seal of the Inspector-General by virtue of which he will have the powers, functions and privileges of a police officer. In practice, however, this certificate is given only in the case of subordinate police officers. It is considered that the provisions of section 7 may conform to the existing practice. Under the Madras District Police Act also the certificate is given only to subordinate police officers. Section 6 of

the amending Act amends section 7 of the principal Act for this purpose.

6. The Committee constituted under the proviso to sub-section (2) of section 3 of the Travancore-Cochin State Legislature (Delegation of Powers) Act, 1956, has approved the enactment of this measure.

A. V. PAI,

Secretary to the Government of India,
Ministry of Home Affairs.

Gazette No. 4 dated 27th November 1956.

PART I

Labour Department

NOTIFICATION.

No. L. Dis. 26571/56/DD.

Dated, Trivandrum, 19th November 1956

The award of the Industrial Tribunal, Ernakulam, in respect of the dispute between Messrs. the Manager, Pioneer Lorry Service Ernakulam, and their workmen represented by the President, Motor and Engineering Workers' Union, Ernakulam received by Government on 29-10-1956, is hereby published under Section 17 of the Industrial Disputes Act 1947 (Central Act XIV of 1947).

By order of the Governor,
GEORGE THOMAS,
Industries Secretary.

Before

SRI V. U. JOSEPH, B. A., B. L.,
Industrial Tribunal, Ernakulam,

INDUSTRIAL DISPUTE No. 62/56

Between

THE MANAGER,
Pioneer Lorry Service, Ernakulam,

And

THE PRESIDENT,
Motor and Engineering Workers' Union, Ernakulam.

AWARD.

The Government in their Order L. Dis. 12586/1956/DD, dated 8-6-1956 referred the above dispute for adjudication by this Tribunal. The matters of dispute are as given below:—

(1) What should be the number of working days in a month for the permanent as well as the temporary workmen of the Bus lines owned by the Pioneer Lorry Service, Ernakulam?

(2) Whether all the workmen including temporary are entitled to any batta for the days on which they appear in Magistrates' Courts in connection with cases arising out of employment?

(3) Whether the following drivers are also entitled to the increment of Rs. 3 given to the permanent drivers by the Management and if so, from what date?

(i) V. P. Chacko.
(ii) P. K. Krishnan.
(iii) R. Madhava Iyer.
(iv) P. Kuttikrishna Menon.
(v) B. Krishna Pillai.